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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/301,438	04/28/1999	CHRISTOPHER K. WOLF	NS-3799US	5559

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EXAMINER
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NGUYEN, STEVEN H D

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/301,438

Applicant(s)

WOLF ET AL.

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 41-92 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-87 is/are rejected.
- 7) ☒ Claim(s) 88-92 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed 12/10/03, 12/23/03 and 2/11/04 are objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

Page 7, lines 4-5, "which is typically a first in first or (FIFO) buffer" is deleted from the specification.

Page 7, lines 7, page 10, lines 12, 26, 27, page 11, line 30, page 23, 29-30, "FIFO" which is replaced by buffer.

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 41-52, 55-60, 62-75 and 78-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada (USP 5668601) in view of Maturi (USP 5559999).

Regarding claims 41-52, 55-60, 62-75 and 78-86, Okada discloses A decoder system comprising: a control unit (Fig 1, ref 14); a data buffer comprising a video input buffer (Fig 1, Ref 22) and an audio input buffer (Fig 1, Ref 12); a stream demultiplexer (Fig 1, Ref 5) for

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receiving an incoming data stream comprising data packets each comprising at least one of (i) encoded video data and a video header that contains video timing information for the encoded video data and (ii) encoded audio data and an audio header that contains audio timing information for the encoded audio data, the stream demultiplexer operating (a) to demultiplex and depacketize the data packets without interrupting the control unit, (b) to send the encoded video data to the video input buffer for storage there without the video timing information (Fig 1, PCR and PTS is extracted from video stream before forwarding to the video buffer 12), (c) to provide, for use by the control unit, video messages which identify where the encoded video data is stored in the video buffer and which also deal with the video timing information (See Fig 4, Stage stack), and (d) to send the encoded audio data to the audio input buffer for storage there (Fig 1, audio stream forwards to the buffer by demultiplexing 5); a video decoder that decodes the encoded video data to produce decoded video data utilizing video instructions provided from the control unit as to where the encoded video data is stored in the video input buffer (Fig 1, Ref 23); and an audio decoder that decodes the encoded audio data to produce decoded audio data (Fig 13) and a video output processor for processing the decoded video data to produce processed video data suitable for video presentation and an audio output processor for processing the decoded audio data to produce processed audio data suitable for digital to analog conversion (Fig 1, Ref 13 and 23) and implicitly disclose a memory management function for controlling writing and reading the audio or video to/from buffer (Fig 11). However, Okada fails to disclose a step of providing identify where the encoded video data is stored in the video input buffer and audio messages which identify the location of encoded audio data in the audio buffer, PTS, system clock, timer for maintaining local time and a control unit capable of performing multiple

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tasks and capable of being interrupted during at least one of the tasks to perform at least one other of the tasks. In the same field of endeavor, Maturi discloses a method and apparatus for providing the tags to the control unit which contain PTS and location of address buffer for video and audio data (Fig 4) for storing in the RAM; system clock and timer for maintaining local current time (Fig 3, Ref 40) and message queue (Fig 3, Ref 18a) wherein the video decoder decoded the video signal based on interrupt signal in response to sync signal (Fig 7 and col. 6, lines 58 to col. 7, lines 21) and a control unit capable of performing multiple tasks and capable of being interrupted during at least one of the tasks to perform at least one other of the tasks (Fig 1, Ref 18 is capable of multi-tasking and interrupting a task for performing another task, See col. 2, line 65 to col. 3, line 13) and a memory management unit for controlling transfer of the encoded video data to and from the video input buffer and for controlling transfer of the encoded audio data to and from the audio input buffer based signals from the control unit (Fig 3, Ref 34 is memory management for controlling the writing and reading signal from FIFO buffer 20) and data buffer is external from control unit (See Fig 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method of providing a control unit with tags that includes timing and location of the encoded audio and video data and capable of performing multi-tasking as disclosed by Maturi into Okada's system. The motivation would have been to reduce the number times that demultiplexing device generates the interrupted signals for transmitting to the controller.

Regarding claims 66 and 82, Okada fails to disclose the claimed invention. However, the examiner takes an official notice that DVB receiver is well known and expected in the art at the

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time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to apply an interface for receiving a DVB signal into the decoder of Okada and Maturi. The motivation would have been to provide a system with multiple receivers.

4. Claims 53-54 and 76-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada and Maturi as applied to claims 41 and 67 above, and further in view of Nuber (USP 5703877).

Regarding claims 53-54 and 76-77, Okada and Maturi fail to disclose the claimed invention. However, in the same field of endeavor, Nuber discloses an audio decoder detects audio sync words in the encoded audio data and control unit utilizes the audio timing information and the audio sync words provided from the audio decoder to detect presentation times for the decoded data (Fig 4 and col. 4, lines 28-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method of using a sync word and presentation time of data packet for determining the output presentation time for audio data as disclosed by Nubber's system into the decoder of Okada and Maturi. The motivation would have been to synchronize between the audio and video signals.

5. Claim 61 and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada and Maturi as applied to claim 41 above, and further in view of Terashima (USP 6163647).

Regarding claims 61 and 87, Okada and Maturi fail to disclose the claimed invention. However, in the same field of endeavor, Terashima discloses the buffers (Fig 1, Ref 13 and 23) for coupling between the audio decoder and video decoder (Fig 1, Ref 12 and 22) and audio

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processor and video processor (Fig 1, Ref 14 and 24) wherein the audio processor retrieving the decoded audio data from the audio output buffer for processing and input to a audio digital to analog converter (Fig 1, Ref 1) and the video processor retrieving the decoded video data from the video output buffer for processing and input to a video display (Fig 1, Ref 6) and an additional data buffer comprising (a) a video output buffer that stores the decoded video data (Fig 1, Ref 13) and (b) an audio output buffer that stores the decoded audio data (Fig 1, ref 23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the buffers between the decoders and processors as disclosed by Terashima's system into the decoder of Okada and Maturi. The motivation would have been to synchronize between the audio and video signals.

#### ***Allowable Subject Matter***

6. Claims 88-92 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

7. Applicant's arguments filed 1/13/06 have been fully considered but they are not persuasive.

In response to pages 10-14, the applicant states that the deleted of “ which is typically a First-In-First-Out (FIFO) buffer is not new matter because it is a terminology error by the person(s) who prepared the present application by submitting the case laws such 199 USPQ 230

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which is stated that changing the wording of a sentence is not new matter as long as the meaning of the sentence is not changed and 170 USPQ 268 which states the application which is translated from Japanese to English which contain some errors “nitric acid” vs. “nitrous acid”; “ferrous oxide” vs. “iron” and replacing iron with reduce agent wherein reduce agent is defined iron. Therefore, the applicant of the application of these case law can correct these errors. These two cases do not state that the applicant can correct the errors in order to change the scope of the invention. In this case, the applicant defined the buffer being a FIFO buffer which has a different function than RAM, DRAM or other buffers because the FIFO buffer requires the read function to read the head of the line before reading the second and the other buffer does not require the head of the line to be read out before the second. For example, Okada and Maturi use FIFO buffer for storing audio and video data. Therefore, the applicant can not delete it in order to modify the scope of the specification for present a different or preferred form of the invention because the FIFO has a different read function than other buffers.

In response to pages 15-21, the applicant states that the references do not disclose a control unit be capable of performing multiple tasks and capable of being interrupted during at least one of tasks to perform at least one other of the tasks. In reply, Maturi discloses these steps that Okada fails to disclose as set forth in the office action.

8. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).



In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that *obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art or the nature of the problem to be solved.* See *In re Rouffet*, 149 F.3d 1350, 47, U.S.P.Q.2d 1453 (Fed Cir. 1998); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, these reference are in the same field of endeavor. Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to implement the teaching of Maturi into Okada. The motivation would have been to reduce the number times that demultiplexing device generates the interrupted signals for transmitting to the controller.

9. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to pages 22-24, the applicant states that Okada fails to disclose interrupting signal based on sync and management unit as disclosed in claims 68, 79 and 83-86. In reply, Maturi discloses these steps as set forth in the office action.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

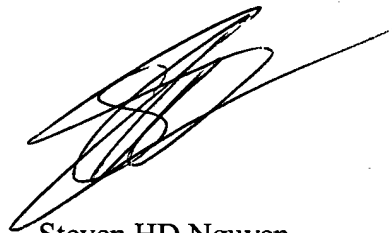
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'SHN', with a long horizontal line extending to the right.

Steven HD Nguyen  
Primary Examiner  
Art Unit 2616  
March 30, 2006